IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2811 OF 2001

Chandrashekhar S. Dhodmani .. Petitioner

Versus

Solapur Wagari Audyogik Sahakari

Bank Ltd. and Ors. .. Respondents

Mr.Imtiyza Khairdi for petitioner

Mr.P.S.Dani for respondent Nos. 1 and 2

Mr.R.M.Patne, A.G.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th January 2006.

P.C.

. This petition under Article 227 of the

Constitution of India is directed against the order passed by the Divisional Joint Registrar dated 3rd March 2000 in Revision Application No.659 of 1999. The Joint Registrar by the impugned order has confirmed the recovery certificate granted by Assistant Registrar, Cooperative Societies, Solapur on 15th September 1999.

2. Learned Advocate appearing for petitioner submits that the last of the recovery certificate issued in favour of first respondent bank is to the tune of Rs.1,33,033/-. He submits that prior thereto the demand was about Rs.3,20,000/-. However, the vehicle belonging to the petitioner was sold and even prior thereto, it was seized by the first respondent bank.

4. At the auction, the bank recovered some amount and appropriated and adjusted the same. Thereafter, recovery certificate in question came

to be issued. Petitioner has paid some amount and even today, he is ready and willing to pay a sum of Rs.1 lakh in full and final settlement of the claim.

5. Mr.Dani, learned Counsel appearing for respondent No.1 on the other hand submits that the claim of the bank together with interest would now be more than Rs.3 lakhs and the bank is not agreeable to accept the offer of petitioner. It is only that some concession can be given but the bank cannot forgo and/or waive the total amount as is sought in the instant case.

6. After having perused the order issuing recovery certificate as also the order of revisional authority, it is clear that there is no dispute about the liability. Petitioner has been given all benefits and adjustments. The sale proceeds of vehicle (Rs.1,45,000) have been appropriated and in the affidavit in reply to

this petition as well it is pointed out that there are still arrears.

7. Once the liability is not disputed and the petitioner is in arrears as also the recovery certificate having been issued in accordance with law, the revisional authority was in no error in dismissing the revision application. No interference is, therefore, called for under Article 227 of the Constitution of India. Petition is dismissed. Learned Advocate for petitioner states that petitioner should be given an opportunity to approach the bank and revise his offer. Needless to state that rejection of this petition would not prevent the petitioner from approaching first respondent bank with revised offer.

(S.C.DHARMADHIKARI, J)